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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,068	09/05/2003	Benny Svendsen	00173.0036.PCUS00	2067

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EXAMINER

GORDON, STEPHEN T

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,068

Applicant(s)

SVENDSEN ET AL.

Examiner

Stephen Gordon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1-21-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1, "the front frame part" bridging lines 8 and 9 lacks clear antecedent basis. Additionally, "the longitudinal direction" of lines 12-13 and "the predetermined position" lack clear antecedent basis and could be written as --a longitudinal direction—and --a predetermined position—respectively for clarity as best understood. Finally, "such as footsteps...panels (8)" is improper as it defines a range within a range type recitation.

Re claim 3, lines 2-3 are generally awkward and confusing. Additionally, "the standard ground clearance", "the vehicle type", and "the underside" lack clear antecedent basis.

Re claim 4, "it" in line 4 is somewhat confusing and could be written as --said head—as best understood. Additionally, --the—should be inserted before "handle" of line 7 for clarity. The term "which" in line 11 is somewhat confusing and could be written as --said first opening—as best understood. Finally, "which" in line 13 is somewhat confusing and could be written as --said second opening—as best understood.

Re claim 5, "it" in line 4 is somewhat confusing and could be written as --said head—as best understood. The term "which" in line 11 is somewhat confusing and could be written as --said first opening—as best understood. Finally, "which"

in line 13 is somewhat confusing and could be written as –said second opening— as best understood.

Re claim 6, “opening” in line 2 should be plural.

Re claim 8, in general, the claim is very awkward and confusing. The claim recites a method, but there are no active method steps. Moreover, it is not entirely clear if the claim as constructed is intended as a dependent claim to claim 1 – including all of the limitations thereof. The phrase “preferably consisting of” is indefinite. The phrase “intended to function” is not entirely understood. Additionally, “such as ...panels (8,16,17)” is improper as it defines a range within a range type recitation. The recited beam structure of line 3 and front module of line 7 are confusing as it is not clear how they relate to similar elements recited in base claim 1 – e.g. is the beam structure of claim 8 – line 3 the same as the beam structure recited in claim 1. Such should be clarified in the claim language. Finally, “the front part of the vehicle frame” lacks clear antecedent basis.

Re claim 9, in general, the claim is very awkward and confusing. The claim recites a method, but there are no active method steps. Moreover, it is not entirely clear if the claim as constructed is ultimately intended as a dependent claim to claim 1 – including all of the limitations thereof. The terms “the preassemble front module” (note also apparent misspelling of –preassembled–) and “said first and second fastening members” lack clear antecedent basis. Moreover, the recited first and second fastening members of lines 3-5 are

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confusing as it is not clear how they relate to similar elements recited in base claim 1. Such should be clarified in the claim language. Finally, "following which form" is awkward and not understood.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-3 and 8-9, as best understood, are rejected under 35 U.S.C. 102(a) as being anticipated by Japanese '842.

Japanese '842 teaches a vehicle front assembly for a frame 2+ including a stiff beam 1+ for underrun protection and first and second fastening members (bolts and nuts 6).

Re claim 1, each bolt and nut would serve to guide the beam as broadly claimed. Moreover, the structure is capable of supporting additional components and is deemed arranged for doing so as broadly claimed.

Re claim 2, in as much as the panels per se are not a positively recited element of the instant combination, the functional/positional language relating thereto is given little patentable weight.

Re claims 3 and 8-9, the device is deemed configured as broadly claimed and as best understood.

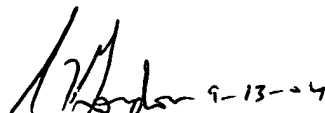
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4. Claims 4-7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least Long teaches a bumper extension for a heavy vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen Gordon
Primary Examiner
Art Unit 3612

stg